

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 09-04277 CW (PR)

ORDER TO SHOW CAUSE

PAUL COPENHAVER, Warden, et al.,

respondents.

Petitioner has paid the \$5.00 filing fee.

The court should "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous

1 or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)  
2 (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

3 It does not appear from the face of the petition that it is  
4 without merit. Good cause appearing, the Court hereby issues the  
5 following orders:

6 1. The Clerk of the Court shall serve a copy of this Order  
7 and the petition and all attachments thereto upon Respondent and  
8 Respondent's attorney, the United States Attorney for the Northern  
9 District of California. The Clerk shall send a copy of the  
10 petition to the Attorney General of the United States in  
11 Washington, D.C. The Clerk shall also serve a copy of this Order  
12 on Petitioner.

13 2. Respondent shall file with this Court and serve upon  
14 Petitioner, within sixty (60) days of the issuance of this Order,  
15 an Answer showing cause why a writ of habeas corpus should not be  
16 issued. The respondent shall file with the answer a copy of all  
17 documents that are relevant to a determination of the issues  
18 presented by the petition.

19 3. If Petitioner wishes to respond to the Answer, Petitioner  
20 shall do so by filing a Traverse with the Court and serving it on  
21 Respondent within thirty (30) days of receiving the Answer. Should  
22 Petitioner fail to do so, the petition will be deemed submitted and  
23 ready for decision thirty (30) days after the date Petitioner is  
24 served with Respondent's Answer.

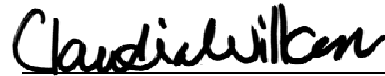
25 4. It is Petitioner's responsibility to prosecute this case.  
26 Petitioner must keep the Court and Respondent informed of any  
27 change of address and must comply with the Court's orders in a  
28

1 timely fashion. Petitioner must also serve on Respondent's counsel  
2 all communications with the Court by mailing a true copy of the  
3 document to Respondent's counsel.

4 5. Extensions of time are not favored, though reasonable  
5 extensions will be granted. Any motion for an extension of time  
6 must be filed no later than ten (10) days prior to the deadline  
7 sought to be extended.

8 IT IS SO ORDERED.

9 Dated: 4/19/2010



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 CHERI EMMANUEL,

5 Plaintiff,

6 v.

7 PAUL COPENHAVER et al,

8 Defendant.  
9 \_\_\_\_\_/

Case Number: CV09-04277 CW

**CERTIFICATE OF SERVICE**

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on April 19, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Cheri Emmanuel Reg. #40476-048  
16 Satellite Prison Camp  
17 5675 8th St. Camp Parks  
18 Dublin, CA 94568

19 Warden  
20 Satellite Prison Camp  
21 5675 8th St., Camp Parks  
22 Dublin, CA 94568

23 U.S. Attorney  
24 450 Golden Gate Ave.  
25 San Francisco, CA 94102

26 Attorney General  
27 U.S. Department of Justice  
28 Washington, D.C. 20530

Dated: April 19, 2010

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk